

FIX THE CITY

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February 7, 2020
Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395 Los Angeles, California 90012
Attention: PLUM Committee

Dear Honorable Members:

RE: SUSTAINABLE COMMUNITIES PROJECT EXEMPTION REQUEST FOR A PROPOSED PROJECT AT 623 - 671 SOUTH LA BREA AVENUE; CASE NOS. ZA-2019-1744-CU-MCUPSPR-TOC, VTT-82618-CN & ENV-2019-1736-SCPE; COUNCIL FILE NO. 19-1533

Fix The City wishes to draw your attention to our January 3, 2020 letter to your committee (attached) which we believe lays out deficiencies we found in ENV-2019-1736-SCPE. A CEQA determination prior to a project determination constitutes **predetermination** and **piecemeal** approval, in violation of CEQA.

In addition:

This CEQA designation cannot be granted because the project approval will violate Los Angeles City Charter Section 464(a). No changes can be made to a ballot measure unless approved by the voters. This project is seeking discretionary incentives under TOC that the voters limited to three ministerial incentives: increased density and FAR and reduced parking. Measure JJJ Section 6 does not authorize any discretionary incentives. It is limited to "herein." 2. The incentives exceed the authority of Measure JJJ. Only non-substantive changes can be made without voter approval (JJJ Section 5.A).

1. JJJ Section 6 TOC ministerial incentives for increased FAR and density only apply to DWELLING UNITS, in JJJ Section 6. Thus, the calculation of the FAR is in violation of JJJ Section 6, and the bonus is not available for luxury hotel rooms or commercial uses.
2. The "Additional Incentives" increase allowable density and intensity without providing a finding based on substantial evidence that infrastructure and public services are adequate. We incorporate by reference all of the substantial evidence already submitted to the City for the Expo TNP and 2301 Westwood Boulevard TOC project, that infrastructure and emergency services are inadequate and do not meet the city's established benchmarks for adequate service.
3. The project does not comply with the Labor Standard requirements of JJJ nor the Labor Standard Ordinance 186483 implementing JJJ. This ordinance includes TOC projects seeking other planning approvals, not just Section 5 projects.
4. JJJ only permits the base incentives unless an applicant seeks a General Plan Amendment, Zone Change or Height District Amendment and requires following the Labor requirements of JJJ Section 5e.
5. Section 6 of JJJJ is limited to three ministerial incentives and NO discretionary/additional incentives. Please read it yourselves. If discretionary incentives are required, they must be sought under JJJ Section 5 and adhere to the Labor Standard.
6. The project's incentives are calculated on the basis of Tiers, rather than the base zone and density, as required by JJJ Section 6. JJJ did not authorize Tiers.

In a recent (1/24/20) letter to your committee, Director Bertoni mentions that "multiple comment letters have been submitted to the Council File (C.F. No. 19-1533) regarding the appropriateness of the use of the SCPE for the proposed project." He goes on to list the technical qualifications for a SCPE exemption which does nothing to address the real concerns of the community regarding the impact this project will

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have on their neighborhood. His prior letter of November 26, 2019 asks you to make a decision upon a review of the entire administrative record, including SCPE Case No. ENV-2019-1736-SCPE, and all comments received.

We also find the FAR calculations for the project violate Measure JJJ Section 6 TOC incentive for FAR and density. The ministerial **TOC** FAR and Density bonuses only apply **per dwelling unit** and NOT to hotel guest rooms or commercial uses. Therefore, there is no density or FAR available for the hotel use. Please recalculate the permitted density based on dwelling units ONLY.

We wish to add the following to the record so that we are sure that your decision as well as the Directors is based on the entirety of the record.

Fix the City opposes the 80% increase in density for non-dwelling units along with the following two DISCRFETIONARY additional incentives for a qualifying Tier 4 project: (i) To permit any or all setbacks consistent with the RAS3 Zone; and (ii) To permit the reduction of the required open space by 25%.

We incorporate by reference:

- Fix The City lawsuit on the Expo line (Case # 18STCP02720)
- Fix The City lawsuit on 10400 Santa Monica Boulevard (Case # 19STCP03740)
- Fix The City lawsuit on 2301 Westwood Boulevard (Case # 20STCP00355)
- The appeal of 10757 Wilkins Avenue supported by Fix the City.
- All other documents in the record

Sincerely:



James O'Sullivan